

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, .
Complainant, . Case No. 2:16-cr-00130-ER
vs. . 601 Market Street
Philadelphia, Pennsylvania 19106
November 27, 2017
CHARLES M. HALLINAN, et al, .
Defendants. .
.

TRANSCRIPT OF JURY TRIAL
DAY 32

TRANSCRIPT OF VERDICT
BEFORE THE HONORABLE EDUARDO C. ROBRENO
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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VERDICT

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1 (Proceedings commence at 9:07 a.m.)

2 (Call to order of the Court)

3 (Jury not present)

4 THE COURT: Good morning. Please be seated.

5 COUNSEL: Good morning. Good morning, Your Honor.

6 Good morning, Your Honor.

7 THE COURT: There was a request from the jury on
8 Friday for certain documents. Have the parties agreed on the
9 documents to be submitted?

10 MR. DUBNOFF: Your Honor, defense counsel is
11 reviewing the last four of the documents. I did provide them
12 to them just this morning, so they are reviewing them just to
13 make sure they are the same ones, that they're consistent
14 with --

15 MR. WARREN: We're in agreement. We're just
16 looking through it, Judge.

17 MR. DUBNOFF: Just to make sure there's no missing
18 pages, I think.

19 MR. WARREN: And so far 791 is complete, there are
20 no missing pages.

21 THE COURT: Okay.

22 MR. JACOBS: We'll be done by 9:30, Judge.

23 THE COURT: Okay. Number two, and let me go off
24 the record here.

25 (Recess taken at 9:08 a.m.)

Verdict

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1 (Proceedings resumed at 9:09 a.m.)

2 THE COURT: The parties have now reviewed the
3 documents requested by the jury, and they have agreed that
4 those are the appropriate copies of the documents, and
5 they're putting them together. And Mr. Vance is directed to
6 deliver them to the jury at 9:30.

7 MR. JACOBS: Yes.

8 THE COURT: Okay.

9 MR. JACOBS: One little tiny thing, Judge. You
10 said the jury requested that Friday. They actually
11 restitution it Wednesday.

12 THE COURT: Yeah, that's right. They requested it
13 on Wednesday, last time that we were here. Okay, very good.
14 We'll stand in recess.

15 (Recess taken at 9:10 a.m.)

16 (Proceedings resumed at 11:34 a.m.)

17 (Jury present)

18 THE COURT: Please return the verdict sheet to the
19 foreperson. The deputy will read the question, and the
20 foreperson will deliver the verdict on behalf of the jury.
21 Please pay attention because you will be asked thereafter
22 whether you agree with the verdict as read.

23 Mr. Vance, please begin.

24 THE CLERK: In the matter of the United States of
25 America v. Charles M. Hallinan and Wheeler K. Neff, as to

Verdict

5

1 defendant Charles Hallinan, Count 1, RICO conspiracy, how
2 does the jury find?

3 THE FOREPERSON: Guilty.

4 THE CLERK: As to Count 2 for Charles Hallinan, how
5 does the jury find?

6 THE FOREPERSON: Guilty.

7 THE CLERK: As to Count 3 for defendant Charles
8 Hallinan, how does the jury find?

9 THE FOREPERSON: Guilty.

10 THE CLERK: As to Count 4 for Charles Hallinan, how
11 does the jury find?

12 THE FOREPERSON: Guilty.

13 THE CLERK: As to Count 5 for defendant Charles
14 Hallinan, how does the jury find?

15 THE FOREPERSON: Guilty.

16 THE CLERK: As to Count 6 for defendant Charles
17 Hallinan, how does the jury find?

18 THE FOREPERSON: Guilty.

19 THE CLERK: As to Count 7 for defendant Charles
20 Hallinan, how does the jury find?

21 THE FOREPERSON: Guilty.

22 THE CLERK: As to Count 8 for defendant Charles
23 Hallinan, how does the jury find?

24 THE FOREPERSON: Guilty.

25 THE CLERK: As to Count 9 for defendant Charles

Verdict

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1 Hallinan, how does the jury find?

2 THE FOREPERSON: Guilty.

3 THE CLERK: As to Count 10 for defendant Charles

4 Hallinan, how does the jury find?

5 THE FOREPERSON: Guilty.

6 THE CLERK: As to Count 11 for defendant Charles

7 Hallinan, how does the jury find?

8 THE FOREPERSON: Guilty.

9 THE CLERK: As to Count 12 for defendant Charles

10 Hallinan, how does the jury find?

11 THE FOREPERSON: Guilty.

12 THE CLERK: As to Count 13 for defendant Charles

13 Hallinan, how does the jury find?

14 THE FOREPERSON: Guilty.

15 THE CLERK: As to Count 14 for defendant Charles

16 Hallinan, how does the jury find?

17 THE FOREPERSON: Guilty.

18 THE CLERK: As to Count 15 for defendant Charles

19 Hallinan, how does the jury find?

20 THE FOREPERSON: Guilty.

21 THE CLERK: As to Count 16 for defendant Charles

22 Hallinan, how does the jury find?

23 THE FOREPERSON: Guilty.

24 THE CLERK: As to Count 17 for defendant Charles

25 Hallinan, how does the jury find?

Verdict

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1 THE FOREPERSON: Guilty.

2 THE CLERK: As to defendant Wheeler Neff as to
3 Count 1, how does the jury find?

4 THE FOREPERSON: Guilty.

5 THE CLERK: As to Count 2 for defendant Wheeler
6 Neff, how does the jury find?

7 THE FOREPERSON: Guilty.

8 THE CLERK: As to Count 3 for defendant Wheeler
9 Neff, how does the jury find?

10 THE FOREPERSON: Guilty.

11 THE CLERK: As to Count 4 for defendant Wheeler
12 Neff, how does the jury find?

13 THE FOREPERSON: Guilty.

14 THE CLERK: As to Count 5 for defendant Wheeler
15 Neff, how does the jury find?

16 THE FOREPERSON: Guilty.

17 THE CLERK: As to Count 6 for defendant Wheeler
18 Neff, how does the jury find?

19 THE FOREPERSON: Guilty.

20 THE CLERK: As to Count 7 for defendant Wheeler
21 Neff, how does the jury find?

22 THE FOREPERSON: Guilty.

23 THE CLERK: And as to Count 8 for defendant Wheeler
24 Neff, how does the jury find?

25 THE FOREPERSON: Guilty.

1 THE COURT: Okay. Please return the jury form to
2 the deputy. I'm going to now ask each of you whether you
3 agree with the verdict as read. The answer should be yes or
4 no.

5 (Court polls jury)

6 THE COURT: The polling of the jury having verified
7 unanimity, I direct the clerk to file and record the verdict.

8 Members of the jury, we're going to take a brief
9 recess now, and I will get back to you in a few moments to
10 discuss a further proceeding. Please do not discuss the
11 matter any further until you receive the instructions from
12 me, and I will get back to you in a few moments. Please
13 return to the jury room.

14 THE CLERK: All rise.

15 (Jury not present)

16 THE COURT: Please be seated. There are a few
17 matters to be attended to, but first we will set a time for
18 the filing of post-trial motions, and that will be ten days
19 from today. And I will enter a written order to that effect.

20 Sentencing in this case will proceed as follows.
21 As to Charles M. Hallinan, sentencing is set for April 19th,
22 2018 at 9:00 a.m. in Courtroom 15A of this courthouse or in
23 such other courtroom as may be designated on that day.

24 As to Willard K. Neff, sentencing is set for April
25 17th of 2018 at 9:00 a.m. in Courtroom 15A of this courthouse

1 or in such other courtroom as may be designated on that day.

2 Two matters that need to be addressed, and you may
3 need a little time to answer them. One will be the issue of
4 bail, and two will be the forfeiture issue. As to
5 forfeiture, there are a couple of options here. Forfeiture
6 can proceed before the judge or it can proceed before the
7 jury. In the event that it proceeds before the jury, as I
8 understand it, the role of the jury is to determine whether
9 the Government has established the requisite nexus between
10 the property and the offense committed by the defendant, and
11 that's pursuant to Federal Rule of Criminal Procedure
12 32.2(b)(5)(B). But the issue of the amount of the property
13 that is subject to forfeiture, that is determined by the
14 Court, as I understand it. But you may need a little time to
15 be able to address these issues.

16 So let me just then request from counsel, what's
17 your thinking as to how we should proceed? Let me start with
18 the defendants. I think we have the Government's papers
19 here.

20 Mr. Jacobs, how would you like to proceed?

21 MR. JACOBS: Judge, we have discussed the potential
22 for forfeiture proceedings, and it's the defense position
23 that the forfeiture proceedings be conducted by the Court,
24 not the jury.

25 MR. WARREN: Same as here -- same, as well, Your

1 Honor, for Mr. Neff.

2 THE COURT: Now, would you colloquy Mr. Hallinan
3 and Mr. Neff that they're waiving the right to proceed before
4 the jury? And then we can dismiss the jury.

5 MR. JACOBS: Mr. Hallinan, have you heard what I
6 just said to the judge, that we have had discussions before
7 this regarding whether we would want the jury or a judge to
8 reach decisions on the forfeiture issues? And it's my
9 advice, which I believe you've accepted, that all forfeiture
10 proceedings be committed to the judge and not the jury.

11 DEFENDANT HALLINAN: I agree.

12 THE COURT: And you understand, Mr. Hallinan, that
13 you have the right to proceed, regardless of the advice of
14 your lawyer, you have the right to proceed before the jury,
15 but you have decided of your own free will to proceed before
16 me, and I will be the judge in charge of that.

17 DEFENDANT HALLINAN: Correct.

18 THE COURT: Okay, very well. Thank you.

19 And Mr. Neff, let's do likewise.

20 DEFENDANT NEFF: Yes.

21 MR. WARREN: You heard what Mr. Jacobs had to say.
22 We've had discussions about this. You have the right to have
23 a jury decide forfeiture issues, if you'd like to do that, or
24 we can waive that right and have the judge decide forfeiture
25 issues.

1 DEFENDANT NEFF: I'll waive that right and have the
2 Court decide.

3 THE COURT: And regardless of what your lawyer had
4 advised you, you understand that it is your responsibility
5 and your right to decide whether or not you want to proceed
6 before a judge or before a jury, and that you are, of your
7 own free will, choosing to proceed before the judge, and that
8 judge will be me in this case.

9 DEFENDANT NEFF: Yes, Your Honor.

10 THE COURT: Okay. Now, we have -- thank you, Mr.
11 Neff. We have the waiver of trial by jury form in a
12 forfeiting proceeding that I'm going to ask, then, the
13 defendants, their attorney, and the Assistant United States
14 Attorney to proceed. And by the way, I guess the United
15 States also has a right to proceed before a jury.

16 MR. DUBNOFF: We're -- we agree that it should
17 proceed before Your Honor.

18 THE COURT: Okay, very well. Let's have the
19 defendant and their lawyer -- okay. The defendants, their
20 respective lawyers, and the Assistant United States Attorney
21 have executed the waiver of trial by jury, and I'm satisfied,
22 after the colloquy with the defendants, that they have
23 knowingly and competently waived their right to trial by
24 jury, and the waiver is approved. And I am so entering an
25 order to that effect this moment. Today's the 27th? Yeah.

1 Okay. So they may be filed.

2 Now, I think the next order of business will be to
3 bring the jury back, dismiss the jury, and then have a
4 scheduling conference with the lawyers. So let's bring the
5 jury back.

6 (Jury present)

7 THE COURT: Okay. Please be seated. I have had a
8 conference with the lawyers, and we decided that any further
9 proceedings will involve the Court and not you as jurors in
10 this case. So at this time, your service as jurors has come
11 to an end. And it's been a long process and we are all very
12 grateful for your service, and as I have always found, there
13 are sort of three states to being a juror. The first one is
14 why me? The second one is, gee, this is real hard. And the
15 third one is, I've done my part. And I think hopefully you
16 are in stage number three and that you have done your part
17 the best -- to the best of your ability. So you can go with
18 that peace of mind.

19 Now, I said to you during the trial that you were
20 not to discuss the matter among yourselves or with anyone.
21 I'm removing that prohibition, and that's now entirely up to
22 you. Now, you don't have to talk to anybody or tell them
23 anything at all, but you can discuss it with anybody that you
24 would like to. I leave that entirely up to you.

25 So anything further as far as the logistics, you

1 can discuss it with Mr. Vance. I think your lunch is coming
2 in, so why don't you stay for lunch, and if I have a minute
3 -- I have another proceeding to do now -- but if I have a
4 minute, I will stop by. If not, you go with my gratitude for
5 your service. We will collect your notes and they will be
6 destroyed, so there will be no record of your proceedings.
7 So thank you so much, and you are relieved from jury service
8 at this time. And, likewise, let's relieve the alternates,
9 as well. Let's not forget about them. Okay. So please
10 return to the jury room.

11 (Jury discharged)

12 (Proceedings concluded at 11:50 a.m.)

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TRANSCRIBER'S CERTIFICATION

I, Sharolyn Bornholdt, hereby certify that the foregoing
is a correct transcript from the electronic sound recording
of the proceedings in the above-entitled matter to the best
of my knowledge and ability.

/s/Sharolyn Bornholdt

August 20, 2018

For JDR Acquisition, LLC./

Advanced Transcription

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